FIFTEENTH ANNUAL MEETING

OF THE

AMERICAN SOCIETY OF INTERNATIONAL LAW

SHOREHAM HOTEL, WASHINGTON, D. C.

APRIL 27–30, 1921, AT 8.30 O'CLOCK P. M.

FIRST SESSION

Wednesday, April 27, 1921, 8.30 o'clock p. m.

OPENING ADDRESS

BY ELIHU ROOT

President of the Society

PRESIDENT ROOT. Members of the Society, Ladies and Gentlemen: This is the Fifteenth Annual Meeting of this Society, although for three years past it has not been deemed wise to bring the general membership together for the purpose of public discussion of international questions. During the years 1918, 1919 and 1920, international questions became so interwoven with political strife, and there was so much heated feeling, that it seemed to the Executive Council of the Society that there would be a strong probability of running into the discussion of mooted political questions which would be injurious to the Society, and that probably our discussions would be without the authority which such discussions ought to have and do have when conducted impartially and without feeling.

Happily, we are now for the moment in position where we can take up our ordinary course of dealing with questions of international law of great importance.

The American Society of International Law may appropriately renew its discussions of the subject to which it is devoted, by a review of the effects of the World War both as to the law itself and as to the international relations under which the law is to be applied.

It is obvious that we cannot go on assuming that the laws and customs of war on land and at sea, the rules which regulate the rights and duties of neutral Powers and persons in case of war, retain the authority which we supposed them to possess in the month of July, 1914. These rules imposed their obligation upon all parties to the great conflict, and, when

violated by one party, they could not reasonably be deemed to restrain the other belligerents. So, the world went on for several years without much reference to them; and the question now is: How far do they exist? In many ways the conditions which gave rise to these rules have been materially changed. The new modes of conducting war under which practically entire peoples are mobilized either for combat or supply have apparently destroyed the distinction between enemy forces and non-combatant citizens, so that the differences which underlie the law of contraband disappear. The whole people would seem to be an enemy force, and all goods destined for their use would appear to be contraband. The historic Declaration of Paris that "the neutral flag covers enemy goods with the exception of contraband of war" and that "neutral goods with the exception of contraband of war are not liable to capture under the enemy's flag" would seem to have been swallowed by the exception, and the doctrine that "free ships make free goods" and that "blockades in order to be binding must be effective" appear to have become idle phrases. The submarine, the Zeppelin and the airplane, wireless telegraphy, the newly achieved destructive power of high explosives and of poisonous gases, have created conditions affecting both belligerents and neutrals not contemplated when the old rules were established, and in many respects the old rules are not adapted to deal with the new conditions.

More important still is a fact which threatens the foundation of all international law. The doctrine of *kriegsraison* has not been destroyed. It was asserted by Bethman Hollweg at the beginning of the war when he sought to justify the plain and acknowledged violation of international law in the invasion of Belgium upon the ground of military necessity. The doctrine practically is that if a belligerent deems it necessary for the success of its military operations to violate a rule of international law, the violation is permissible. As the belligerent is to be the sole judge of the necessity, the doctrine really is that a belligerent may violate the law or repudiate it or ignore it whenever that is deemed to be for its military advantage. The alleged necessity in the case of the German invasion of Belgium was simply that Belgium was deemed to be the most advantageous avenue through which to attack France. Of course, if that doctrine is to be maintained, there is no more international law, for the doctrine cannot be confined to the laws specifically relating to war on land and sea. With a nation at liberty to declare war, there are few rules of peaceful intercourse, the violation of which may not be alleged to have some possible bearing upon a military advantage, and a law which may rightfully be set aside by those whom it is intended to restrain is no law at all.

The doctrine has not been abandoned. It was formally and authoritatively declared by the German Government and acted upon throughout the war. We can find no ground to justify the conclusion that a plainly unrepentant Germany does not still maintain the soundness of the doctrine

as a part of its historic justification, nor has there been any renunciation by the allies of Germany. We must, therefore, face the fact that the law which during the course of three centuries had become apparently firmly established upon the universal acceptance and consent of all the members of the community of civilized nations is shaken to its foundation by the repudiation of its moral obligation on the part of the four Central Powers—Germany, Austria-Hungary, Turkey, and Bulgaria, which at the outbreak of the war had over 144,000,000 of inhabitants.

Few more futile public performances can be found in the history of international intercourse than the long diplomatic discussions which accompanied the earlier years of the war between neutral nations and Germany, about the rules of international law and their application to the conduct of Germany's military and naval proceedings, while Germany had already publicly declared that she would not deem herself bound by any rules she found to be disadvantageous to herself. The same will be true in the future if the same condition exists. It will be impossible to maintain the restraint upon national conduct afforded by the rules of international law so long as so great a part of the civilized world asserts the right to disregard those rules whenever it sees fit. Either the doctrine of *kriegsraison* must be abandoned definitely and finally, or there is an end of international law, and in its place will be left a world without law, in which alliances of some nations to the extent of their power enforce their ideas of suitable conduct upon other nations.

Another threatening obstacle to international law exists in the rapid development of internationalism. This is presented by the avowed purposes of the Third Internationale aiming at the destruction of national governments and the universal empire of the proletariat; by the fact that the brutal and cruel despotism of Lenin and his associated group has been able to maintain its ascendency over the vast territory and population of Russia, calling itself a dictatorship of the proletariat but making itself a dictatorship over the proletariat as well as all other classes, and ruling in the name of a world revolution for the accomplishment of the purposes of the Third Internationale. It is presented also by the universal propaganda carried on with almost religious fervor in all countries and seriously affecting the leadership of labor in many countries. That propaganda, exceedingly subtle and ingenious, throughout the world has toppled over the wits of parlor Socialists from their insecure foundations of education superior to their intelligence, and is making them the unconscious agents of promoting political principles which they would abhor if they understood them and in aiding sinister projects for profit in which they personally have no part. The organization of the civilized world in nations is confronted since the war with a vigorous and to some degree prevailing assertion that a much better organization would be that of government by class existing in all nations and superior to all.

International law, of course, is based upon the existence of nations. There is no common ground upon which one can discuss the obligations of international law with the Third Internationale, and just so far as the ideas of Lenin and Trotsky influence the people of a civilized country just so far the government of that country is weakened in the performance of its international obligations.

The existence of nations is not an accident of locality or of language or of race. It is one phase of the struggle of mankind for liberty. The independence of nations is an assertion of the rights of different groups of men having in the main different customs, traditions, habits of thought and action, ideas of propriety and of right, to have local self-government. This is true whatever the form of government; whether it be a monarchy or an aristocracy permitted by the people of the country or a republic in which rulers are elected by the people, the distinction is the same between government in accordance with the people's own conceptions of right and propriety and government by an alien force having different and incongruous conceptions. There are few more injurious influences in international affairs than the inability of the people of one country to understand or to realize the differences between themselves and the people of other countries in fundamental and often unexpressed preconceptions. These differences affect the understanding in the different countries of every act done and every word used. They are not matters of reason to be solved intellectually like a problem of Euclid. They are the results of long ages of tradition, modes and habits of thought, inherited assumptions regarding the conduct of life. One race of men take off their shoes and keep on their hats, another race take off their hats and keep on their shoes under similar conditions to express similar sentiments of respect. To the people of one country polyandry is the natural social organization, to the people of another polygamy, and to the people of others monogamy is natural and appropriate. The people of some countries consider that justice is best attained by applying a system of excluding evidence according to rigid rules of relevancy and competency, while the people of other equally civilized countries consider that the same result may be best attained by admitting in evidence anything that anybody chooses to say on the subject. None of these differences is the result of the working out of problems by pure reason. They come from the fact that peoples of different countries and of different races do not think alike and can not think alike, because their intellectual processes are the resultants of different traditional conceptions combined with the apparent logical premises of each problem.

The most grinding, possible tyranny is to be found in the intimate control of a people by other races or rulers who do not understand the people whom they rule. The vice of tyranny is so widespread, the tendency to tyrannize over others is so universal, especially among those who think themselves better than others, that only the highest intelligence

creates exceptions to the rule of oppression in alien control. The declaration of the independence of nations, large and small, is an assertion of the right to be free from the oppression of alien control. Internationalism would fasten that oppression upon the world without recourse.

The fundamental ideas of international law are, first, that each nation has a right to live according to its own conceptions of life; second, that each national right is subject to the equal identical right of every other nation. International law is the application of these principles through accepted rules of national action adapted to govern the conduct of nations toward each other in the contacts of modern civilization. Internationalism, by destroying the authority and responsibility of nations and the law which is designed to control their conduct toward each other, would destroy the most necessary bulwark of human liberty, the chief protection of the weak against the physical force of the strong, and substitute the universal control which the nature of men will make an inevitable tyranny.

The long, slow process of civilization with its peaceful attrition between individuals and between local and tribal groups tends towards the steady enlargement of nations through the reconciliation of ideas and the adoption of common standards, making it easy for different groups to live together under the same government. Every great country shows the results of this process. Burgundy, Provence and Brittany, Wessex, Sussex, and Northumbria, Wales, England and Scotland, Piedmont and Naples have come to live peaceably together under governments in which each has a voice and in which each is understood. But that process can not be forced any more than the growth of a tree can be forced. It can be promoted as the growth of a tree can be promoted. The parliament of man may come just as the parliaments of Britain and France and Italy have come, but it must be by growth and not by force nor by the false pretence of agreement where there is no real agreement, nor by international majorities overbearing minority nations though majority votes.

The great force of Russia which aims to impose internationalism upon the world, therefore, halts the development of international law, the very foundations of which the existing government of Russia now repudiates. As the basis of international law is universal acceptance, either Russia must be excluded from the category of civilized nations or the law must wait upon the downfall of the present régime in Russia. In the meantime, every act which tends to support that régime, whether for sentiment or for trade, is a hindrance to the restoration of law and the rule of international justice.

Under these circumstances, how are we to take up the task of promoting the development of the Law of Nations? The task cannot be abandoned. The process which owes its impulse towards systematic development to Grotius and the horrors of the Thirty Years' War cannot be abandoned. Never before was the need so great. The multitudes of cit-

izens who now control the national governments of modern democracies and direct international policies can not safely follow the passion of the moment or the idiosyncracy of the individual public officer in their international affairs, without accepted principles and rules of action, without declared standards of conduct, without definition of rights, without prescription of duties too clear to be ignored. Otherwise the world reverts to chaos and savagery.

To determine how this Society and its members may be effective in efforts to promote the development and authority of international law, some further examination of the existing international situation will be useful.

The armistice of November 11, 1918, left for the successful Allied Powers two quite distinct and in some respects incongruous tasks. The first task was to decide upon the terms of peace and to require compliance with those terms. That was a matter of power, of force. It was the imposition of the will of the conquerors upon the conquered. Only the belligerent nations were concerned in it. It was a part of the war. Disarmament, reparation, disposition of conquered colonies, transfers of territory, were to be dictated as alternatives to further military punishment by the successful armies and navies. It was to be affected by the principles of reward for assistance in winning the war, of penalty for offences against civilization in beginning and carrying on the war and by treaties between the belligerents.

The second task in necessary sequence was to give effect to the universal desire of the civilized world by bringing all civilized nations into agreement for the future preservation of peace. That was a matter, not of force, but of reason, humanity, universal instinct of self-preservation. It must be voluntary, not compulsory. It was the concern of all neutral nations equally with all belligerent nations. It presupposed a world at peace in which peace, already attained, was to be preserved. It was to follow, not to be a part of, the compulsions of conquest.

The Versailles Conference undertook to include both of these separate, distinct and incongruous processes in the same treaty. They framed a League of Nations for the future, they invited all neutrals to join and at the same time and in the same instrument they undertook to impose penalties to which they required the defeated belligerents to submit. The defeated belligerents were not admitted to the League and had nothing to say about it, while the neutral members of the League naturally had no right or authority respecting the terms of peace imposed by the treaty. The two processes were tied together, however, by provisions making the League of Nations the agent of the conquerors to see to the execution of the terms imposed upon the other defeated nations. Thus certain powers were vested in the League including neutrals, regarding the administration of occupied territory, plebiscites, scrutiny of government under mandates. These

functions plainly were to be in exercise of derivative not original authority of the League, which became a mere agent of the belligerents for those purposes. Spain, Holland, Norway, for example, and any organization which represents them can have no authority regarding a plebiscite in Silesia or the government of Danzig, except within the limits of a specific agency created by the nations which had a right won by conquest or created by treaty between such nations and Germany.

Another peculiarity of the treaty was that, although it contemplated the participation of all the belligerents, it was expressly made separable, by the provision that it should take effect when ratified by any three of the principal Powers. Accordingly, when the other principal Powers ratified the treaty and the United States refused to do so, the terms of peace became binding between Germany and the ratifying Powers, although not between Germany and the United States. And the League of Nations, no longer a mere project, came into being and still exists, uniting for specified purposes, substantially all the civilized countries except the United States, Germany, Russia, Austria-Hungary, and Turkey.

The natural tendency of these arrangements and the discussion and controversy which they engendered was towards great delay and confusion. The imposition of terms of peace was a matter calling for prompt decision and compliance while the conquering armies were in being and able to compel compliance. Under the distractions and discussions incident to the formation of a League for future peace, this vital process of closing the war dragged along until the Western armies had mainly disappeared; and many of the issues of the war have passed into a new and prolonged stage of discussion.

In the meantime, the Supreme Council of the belligerents, in which the United States continued entitled to a place which she ceased to fill, has held the center of the international stage trying to bring about the state of peace which the League of Nations was formed to preserve, and at the same time the League has been struggling with its special agency under the treaty without ever having been put by its principals in the position of recognized authority; and the organization for future peace has remained incomplete in the face of continual actual war involving a majority of the people of Europe and the Near East.

In considering our course as students, lawyers, American citizens, united by common interest in the Law of Nations, I think we must assume that the conditions which I have described are temporary; that before very long the immediate issues of the war will be settled for the time being and peace will be restored; that republican Germany and her associates will abandon the arrogant assertion of the *kriegsraison;* that the brutal and cruel despotism which now oppresses the people of Russia will meet the fate which awaits the violation of economic laws and, failing to be rescued by

those friends who are coming to its assistance in this and other countries, will fall, and the people of Russia will come to their own.

When these results have been reached, there will remain the hindrances of differing forms and methods favored by the nations within and the nations without the existing League. But the idea that by agreeing at this time to a formula the nations can forever after be united in preventing war by making war seems practically to have been abandoned; and the remaining differences are not of substance and ought not to prevent the general desire of the civilized world from giving permanent form to institutions to prevent further war. In the long run, from the standpoint of the international lawyer, it does not much matter whether the substance of such institutions is reached by amending an existing agreement or by making a new agreement.

The necessary things are that there shall be institutions adapted to make effective the general civilized public opinion in favor of peace, and that these institutions shall be developed naturally from the customs, the habits of thought and action, and the standards of conduct in which civilized nations agree, and that they shall be of such a nature that the habit of recourse to them will have an educational effect and be a means of growth in justice and humanity.

The Covenant of the League, under which so many nations are now included, commits its members fully to these fundamentals, and, while it undertakes to go farther and do too much, the evident tendency of its members is to reduce this excess by interpretation and amendment and bring it down to the character of real representation of the common customs and common opinions of civilized peoples in favor of peace.

On the other hand, the United States is certain to be ready to join in some form, in seeking the same result by these same essential methods. That will follow necessarily from the traditional policy of our country and the responsible declarations of our government in both the legislative and the executive branches.

Considering this field of preventive provisions as separate and distinct from the temporary exigencies of compulsory war settlements, if we examine both the League agreement and the declared policy of the United States for information as to common purposes, we shall find several different kinds of united action upon which there is practically agreement in principle, with difference only in degree or as to specific means.

We may pass over, as least important, although extremely useful, provisions for international cooperation in administrative services to facilitate trade and intercourse, or to apply regulations by common consent in matters of common interest. The International Postal Union, the control of wireless telegraphy, the ice patrol of the North Atlantic for the safety of the ships of all nations, are examples of this kind of cooperation. The labor provisions of the Treaty of Versailles come under the same head, although

they were put into the treaty without the discussion and consideration necessary to ascertain whether they ought to be adopted or whether they met a general demand or were adapted to world conditions. Much of the time of the League organization has been devoted to matters of this character, which are really local, affecting particular groups of countries and which would be arranged, naturally and probably better, between the countries concerned, without burdening or involving the countries not concerned.

Most important for dealing with immediate danger to international peace is a system of international conferences upon questions of international policy. This is a natural growth from experience. The Algeciras Conference is a type. The Conference in London, which limited the effect of the Balkan wars, is another. It is a general belief that if Sir Edward Grey had secured the conference he sought in July, 1914, the war would have been averted. Whether it be by dispelling misunderstandings, allaying fears, soothing irritation, or by the repressive effect of general adverse opinion, a formal general conference of the principal nations ordinarily leads to a situation in which it is extremely difficult for any nation to begin war.

The weakness of the practice hitherto has been in the fact that no one had a right to insist upon a conference; no one was under obligation to attend a conference. The step in advance plainly indicated as the natural development of this most useful practice into a systematic institution, is to establish an administrative agency whose duty it shall be to call such a conference in time of threatened danger on suitable request, and to place all nations under obligation to attend the conference when called. Upon the substance of this there is no disagreement. The Council of the League does this and something more, and the difference is over the something more. The Council of the League is a perpetual, permanent conference, as distinguished from conferences *ad hoc*, to be called automatically whenever grave cause arises. No one seems to question that in one way or another there should be obligatory conferences.

Such conferences, however, deal with policy in particular exigencies, and they proceed upon motives of expediency. They are not steps in the development of the rule of right among nations. In that direction also, however, we find elements of general agreement.

The Covenant of the League of Nations in its preamble states one of its objects to be "in order to promote international cooperation and to achieve international peace and security . . . by the firm establishment of the understandings of international law as the actual rule of conduct among governments"; and in the 14th article it provides: "The Council shall formulate and submit to the members of the League for adoption plans for the establishment of a permanent court of international justice."

The American Congress in a statute enacted August 29, 1916, expressed the American view in the most solemn form. The statute says:

> It is hereby declared to be the policy of the United States to adjust and settle its international disputes through mediation or arbitration, to the end that war may be honorably avoided. . . . In view of the premises, the President is authorized and requested to invite, at an appropriate time, not later than the close of the war in Europe, all the great Governments of the world to send representatives to a conference which shall be charged with the duty of formulating a plan for a court of arbitration or other tribunal, to which disputed questions between nations shall be referred for adjudication and peaceful settlement.

The latest message of the President of the United States to Congress on the 12th of the present month, said:

> The American aspiration, indeed the world aspiration, was an association of nations based upon the application of justice and right, binding us in conference and cooperation for the prevention of war and pointing the way to a higher civilization and international fraternity in which all the world might share. . . . In the national referendum to which I have adverted, we pledged our efforts towards such an association, and the pledge will be faithfully kept.

The pledge to which the President plainly referred in the paragraph just quoted, was contained in the Republican Platform, in these words:

> The Republican Party stands for agreement among the nations to preserve the peace of the world. We believe that such an international association must be based upon international justice, and must provide methods which shall maintain the rule of public right by the development of law and the decision of impartial courts, and which shall secure instant and general international conference whenever peace shall be threatened by political action, so that the nations pledged to do and insist upon what is just and fair may exercise their influence and power for the prevention of war.

While this pledge was in the platform of one party, it was not, in fact, the subject of party controversy, and the enormous majority of over seven million votes given to the candidate standing by that platform justifies the assertion that these words state the true attitude of the American people, as that attitude is now certified in the passage which I have quoted from the President's message to Congress.

It is apparent that the attitude of the League and the attitude of America toward this subject do not differ in substance, however much they may differ as to the specific modes of effectuating the common purpose.

The duty imposed upon the Council of the League, "to formulate and submit plans for the establishment of a permanent court of international justice," has been performed, and a convention establishing such a court has been adopted by the League and has already been ratified by many of its members. It provides for a permanent court of judges elected for fixed periods, paid fixed salaries, engaging in no other occupation, and bound to

proceed under an oath which imposes upon them judicial obligation as distinguished from a sense of diplomatic obligation. To this court all nations may repair for the adjudication of their differences.

So much for the nations in the League. It is also true that this court is in substance, in everything essential to its character and function, the same court which under Mr. Roosevelt's administration was urged by the United States upon the Second Conference at The Hague in 1907, and which, at the instance of the United States, was provided for in subsequent treaties between the United States and the principal European Powers, negotiated under Mr. Knox as Secretary of State in Mr. Taft's administration, but not finally consummated when the war intervened.

Here plainly there is agreement in substance, and the difficulties are formal.

The technical commission which in the summer of 1920 drafted the plan for a permanent court that has been adopted by the League, accompanied the plan by a unanimous recommendation as follows:

> The Advisory Committee of Jurists, assembled at The Hague to draft a plan for a Permanent Court of International Justice,
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> Convinced that the security of states and the well-being of peoples urgently require the extension of the empire of law and the development of all international agencies for the administration of justice,
>
> Recommends:
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> I. That a new conference of the nations in continuation of the first two conferences at The Hague be held as soon as practicable for the following purposes:
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> 1. To restate the established rules of international law, especially, and in the first instance, in the fields affected by the events of the recent war.
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> 2. To formulate and agree upon the amendments and additions, if any, to the rules of international law shown to be necessary or useful by the events of the war and the changes in the conditions of international life and intercourse which have followed the war.
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> 3. To endeavor to reconcile divergent views and secure general agreement upon the rules which have been in dispute heretofore.
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> 4. To consider the subjects not now adequately regulated by international law, but as to which the interests of international justice require that rules of law shall be declared and accepted.
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> II. That the Institute of International Law, the American Institute of International Law, the Union Juridique Internationale, the International Law Association, and the Iberian Institute of Comparative Law be invited to prepare with such conference or collaboration *inter sese* as they may deem useful, projects for the work of the Conference to be submitted beforehand to the several Governments and laid before the Conference for its consideration and such action as it may find suitable.
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> III. That the Conference be named Conference for the Advancement of International Law.
>
> IV. That this conference be followed by further successive conferences at stated intervals to continue the work left unfinished.

Plainly, these recommendations can not receive effect now, nor until the present emergencies of an unsettled war have been disposed of. But when the time comes, they will point the way to the performance of the object of the League "for the firm establishment of the understandings of international law," and the identical purpose of the people of the United States, so often declared by their representatives.

It is to be observed that these two—the establishment of a permanent court and the restoration of the authority of international law—are correlative parts of the same world policy, upon the substance of which the civilized nations are in agreement.

There can be no real court without law to control its judges, and there can be no effective law without institutions for its application to concrete cases. This is the traditional policy of the United States—to establish and extend the law declaring the rules of right conduct accepted by the common judgment of civilization and to substitute in international controversies upon conflicting claims of right impartial judgment under the law in the place of war.

The existing situation presents difficulties and embarrassments in arriving at a common understanding regarding the precise modes in which this general world policy shall receive effect; but I, for one, am not willing to assume that the patience and good sense of the diplomacy of the world, including our own country, will be unequal to the task of so disposing of the formal difficulties as to achieve the great object upon which all are agreed.

It is further to be observed that conference upon matters of policy, either permanent or occasional, on the one hand, and the establishment of law and judicial disposal of questions of right, on the other hand, are not alternative and opposing methods. They are mutually supplemental parts of one and the same scheme to prevent war. Both are methods of bringing the public opinion of the world to bear upon the settlement of controversies. Neither covers the field without the other. Never before has there been such evidence of the power of public opinion as has been afforded by the vast propaganda through which the contending nations in the great war have tried their cases at the bar of public judgment of the world, and have sought to commend their conduct to the peoples of other nations.

The idea that any formula can be devised under the working of which the world can be made peaceable by compulsion, is manifestly in course of abandonment. The public opinion of mankind is so mighty a force, that it is competent to control the conduct of nations as the public opinion of the community controls the conduct of individuals. But it must be an intelligent, informed and disciplined opinion. The exit of autocracies leaves the direction of foreign relations under the ultimate control of multitudinous, ill-informed and untrained democracies. In place of dynastic ambitions, the danger of war is now to be found in popular misunderstandings and resentments.

How are these vast democracies to be justly informed as to the rights and wrongs of controversies, and the fairness of policies? It seldom happens that the great multitude of citizens can argue out from first principles the complicated and difficult questions of right and wrong involved in international relations. It seldom happens that the subject is not obscured by misinformation and misleading suggestion, and by appeals to passion rather than to judgment. The only mode of meeting this great and vital need, dictated by reason and approved by experience, is the establishment of institutions through which, when strife is not flagrant, the deliberate and unbiased opinion of mankind may declare and agree upon the rules of conduct which we call law, by which in times of excitement judgment may be guided, and by which the peoples may be informed of the limits of their rights and the demands of their duties; and by the establishment of institutions through which disputed facts may be determined and false appearance and misinformation may be stripped away and the truth be made known to the good and peaceful peoples of the world by the judgment of impartial and respected tribunals. In such institutions rests the possibility of growth of development for civilization. Through them may be established by usage the habit of respecting law. They may create standards of conduct under which the thoughts of peoples in controversy will turn habitually to the demonstration of the justice of their position by proof and reason, rather than by threats of violence, so that the time will come when a nation will know that it is discredited by the refusal to maintain the justness of its cause by the procedure of justice.

This is the work of international law, applied by an international court. The process will be slow, but all advance of civilization is slow. Not what ultimate object we can attain in our short lives, but what tendencies towards higher standards of conduct in the world we can aid during our generation, is the test that determines our duty of service. The conditions which will hinder and delay effective action for the re-establishment of law are many and serious, but we must prepare. When the time for action comes, it must find the results of study, discussion and matured thought ready, as material for authoritative judgment by the nations, and, meantime, the voice of the least of us may be of some avail, urging that force be repressed and expediency be guided by the public opinion of the world made effective by declared and accepted rules of public right applied by competent and impartial international tribunals.

PRESIDENT ROOT. It is my pleasure to introduce to you as the first regular speaker of the meeting of the Society our honored and welcome guest, the distinguished statesman of Brazil, former Minister of Brazil to Belgium, Japan, Sweden and Venezuela, Honorable Manoel de Oliveira Lima, who will speak to us on the subject of "The reconstruction of international law."